IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1426 OF 2004

Sou.Aparna Anil Haldankar ... Petitioner

versus

Sukumar Kumar Patil and ors. ... Respondents

...

Mr. M.S. Lagu, for the Petitioner.

Mr. Gajanan M. Savagave, for Respondent No.2, absent.

Mr. V.B. Konde Deshmukh, A.P.P., for the State.

...

CORAM : A.M.KHANWILKAR,J.

28th January 2005

P.C.:

1. Heard Counsel for the Petitioner. To my mind, no interference is warranted in respect of the discretionary order passed by the Court below. Counsel for the Petitioner, however, contends that there was no basis, much less legal basis, for the Judicial Magistrate to direct the Petitioner - Accused No. 2 to cross-examine

first. This submission overlooks the reason recorded in the order impugned in this petition. Learned Counsel is unable to point out as to what prejudice would be caused to the Petitioner - accused No. 2 if he was to proceed with the cross-examination first. Besides, the order being a discretionary order and matter relating to the procedure to be adopted at the trial, and there is nothing in section 137 of the Evidence Act to preclude such order being passed, no interference is warranted. Rejected.

(A.M.KHANWILKAR,J.)